



# Rulemaking Grants Repealed from Statute

## 2015 General Session

**(Bracketed Language is Repealed; Underlined Language is New)**

**(July 1, 2015)**

H.B. 18, Children's Hearing Aid Program Amendments

(effective July 1, 2015 - - Initiate Rulemaking by December 28, 2015)

95     **[(6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah**  
96     Administrative Rulemaking Act, regarding implementation of the pilot program created under  
97     this section.]

H.B. 24, Insurance Modifications

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

4681   **[(b) use a standard application form developed by the commissioner by administrative**  
4682   rule;]

H.B. 65, Workforce Services Amendments

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

115    **[(b) The 24 months need not be continuous and the department may define "full-time**  
116    work activities" by rule.]

H.B. 104, Cow-share Program Amendments

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

189     (2) The department **may not adopt a rule** that restricts, limits, or imposes additional  
190     requirements on an individual obtaining:  
191     (a) raw milk in accordance with the terms of a cow-share program agreement; or  
192     (b) an interest in a cow-share program in accordance with the terms of the cow-share  
193     program agreement.

H.B. 135, Pharmacy Licensure Exemption

(effective July 1, 2015 - - Initiate Rulemaking by December 28, 2015)

38     **[(B) listed as a cosmetic drug subject to the exemption under this section by the**  
39     **division by administrative rule or has been expressly approved for online dispensing, whether**  
40     **or not it is dispensed online or through a physician's office; and] . . .**

49     **[(B) listed as an injectable prescription drug subject to exemption under this section by**  
50     **the division by administrative rule; and] . . .**

66     **[(c) an individual engaging in the practice of pharmacy technician under the direct**  
67     **personal supervision of a pharmacist while making satisfactory progress in an approved**  
68     **program as defined in division rule;] . . .**

83     **[(4) In accordance with Subsection 58-1-303(1)(a), an individual exempt under**  
84     **Subsection (2)(c) must take all examinations as required by division rule . . . ] . . .**

102    **[(c) follows labeling, record keeping, patient counseling, storage, purchasing and**  
103    **distribution, operating, treatment, and quality of care requirements established by**  
104    **administrative rule adopted by the division in consultation with the boards listed . . . ]**

108    **[(6) (a) The division, in consultation with the board under this chapter and the relevant**  
109    **professional board, including the Physician Licensing Board, the Osteopathic Physician**  
110    **Licensing Board, the Physician Assistant Licensing Board, the Board of Nursing, the**

111 Optometrist Licensing Board, or the Online Prescribing, Dispensing, and Facilitation Board,  
112 shall adopt administrative rules pursuant to Title 63G, Chapter 3, Utah Administrative  
113 Rulemaking Act to designate:  
114 (i) the prescription drugs that may be dispensed as a cosmetic drug or weight loss drug  
115 under this section; and  
116 (ii) the requirements under Subsection (5)(c).】

H.B. 229, Air Quality Modifications

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

213 (b) The **board shall**:  
230 [(v)] (iv) by rule in accordance with Title 63G, Chapter 3, Utah Administrative  
231 Rulemaking Act, establish work practice[, and certification[, and clearance air sampling]  
232 requirements for persons who: . . .  
252 [(vii) establish certification requirements for asbestos project monitors, which shall  
253 provide for experience-based certification of persons who, prior to establishment of the  
254 certification requirements, had received relevant asbestos training, as defined by rule, and had  
255 acquired at least 1,000 hours of experience as project monitors;】

H.B. 239, Human Resource Management Market Research Amendments

(effective July 1, 2015 - - Initiate Rulemaking by December 28, 2015)

215 **[(B)]** (e) The executive director **shall issue rules** providing for **【salary adjustments.】**:  
216 **[(iv)** Merit increases shall be granted, on a uniform and consistent basis in accordance  
217 with appropriations made by the Legislature, to employees who receive a rating of "successful"  
218 or higher in an annual evaluation of their productivity and performance.  
219 (v) By October 31 of each year, the executive director shall submit market  
220 comparability adjustments to the executive director of the Governor's Office of Management  
221 and Budget for consideration to be included as part of the affected agency's base budgets.  
222 (vi) By October 31 of each year, the executive director shall recommend a

223 compensation package to the governor.  
224 (vii) (A) Adjustments shall incorporate the results of a total compensation market  
225 survey of salary ranges and benefits of a reasonable cross section of comparable benchmark  
226 positions in private and public employment in the state.  
227 (B) The survey may also study comparable unusual positions requiring recruitment in  
228 other states.  
229 (C) The executive director may cooperate with other public and private employers in  
230 conducting the survey.]

#### H.B. 283, Media Production Exemption

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

51 (b) authorized emergency vehicles [under rules made by the department under]  
52 described in Section 41-6a-1601;

#### H.B. 332 Local Transportation Corridor Preservation Fund Amendments

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

240 [(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
241 the department may make rules to implement the requirements of Subsection (11)(a).]

#### H.B. 409, Amendments to the Procurement Code

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

1014 [(3) An evaluation committee for architect-engineer services contracts not under the  
1015 authority of the Division of Facilities Construction and Management **shall be established in**  
1016 **accordance with rules** made by the applicable rulemaking authority.]

H.B. 411, Venture Capital Enhancement Amendments

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

135 (1) The board shall, by rule:

136 (a) establish criteria and procedures for the allocation and issuance of contingent tax  
137 credits to designated investors by means of certificates issued by the board[, provided that a  
138 contingent tax credit may not be issued unless the Utah fund of funds:];

139 [(i) first agrees to treat the amount of the tax credit redeemed by the state as a loan  
140 from the state to the Utah fund of funds; and]

141 [(ii) agrees to repay the loan upon terms and conditions established by the board;]

S.B. 119, Prescription Database Revisions

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

68 [(m) other relevant information as required by division rule.]

S.B. 131, Occupational Therapists Amendments

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

247 In addition to the exemptions from licensure in Section 58-1-307, [a person who  
248 performs activities that are repetitive and routine in nature and that do not require specific  
249 skills or knowledge may engage in acts or practices included within the definition of the  
250 practice of occupational therapy under general supervision of an occupational therapist **as**  
251 **defined by rule**, without being licensed under this chapter.] the following may engage in the  
252 stated limited acts or practices without being licensed under this chapter:

S.B. 133, Podiatric Physician Amendments

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

63 [(4)] (6) "Unprofessional conduct" [as defined in Section 58-1-501 **and as may be**  
64 **further defined by rule**,] includes, for an individual licensed under this chapter:

S.B. 143, Title and Escrow Modifications

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

1367 (b) The commission **may not make a rule** regarding adjudicative procedures.

1368 (c) In accordance with Section 31A-2-201, the commissioner may make rules regarding  
1369 adjudicative procedures. . . .

1384 **[(6) The commission may not impose a penalty in a manner inconsistent with**  
1385 **Subsection (2)(g) or make a rule that conflicts with Subsection (2)(g).]**

S.B. 245, School Grading Amendments

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

121 **[(ii) Among a cohort of students with the same scale score on a particular statewide**  
122 **assessment in the 2010-11 school year, the scale score of the student who scores in the 2011-12**  
123 **school year, at a percentile **determined by the board in rule**, becomes the 2013-14 growth**  
124 **target**

124 **for any student with a scale score in the 2012-13 school year that is the same as the cohort's**  
125 **scale score in the 2010-11 school year.]] . . .**

141 **[(ii) Among a cohort of students with the same scale score on a particular statewide**  
142 **assessment in the 2013-14 school year, the scale score of the student who scores on a similar**  
143 **statewide assessment in the 2014-15 school year, at a percentile **determined by the board in****  
144 **rule, becomes the year 2 growth target for statewide assessments administered in the 2014-15**  
145 **school year and succeeding years for any student with a year 1 scale score that is the same as**  
146 **the cohort's scale score in the 2013-14 school year.]] . . .**

163 **[(b) the State Board of Education **shall determine, by rule:****

164 **(i) how to measure growth of a school's students on statewide assessments of language**  
165 **arts, mathematics, and science achievement; and**

166 **(ii) a standard for sufficient growth;]**

S.B. 282, Administrative Law Judge Amendments

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

120     **[(d) The department may, in accordance with Title 63G, Chapter 3, Utah**  
121     Administrative Rulemaking Act, make rules allowing the extension of the filing deadline  
122     described in Subsection (6)(b)(i).] . . .

459     **[(d) The department may, in accordance with Title 63G, Chapter 3, Utah**  
460     Administrative Rulemaking Act, make rules allowing the extension of the filing deadline  
461     described in Subsection (6)(b)(i).]